

**Testimony of Susan Higginbotham, CEO,  
Pennsylvania Coalition Against Domestic Violence (PCADV)  
Before the Special Council on Gun Violence  
Preventing Domestic Violence-Related Shootings  
Bennett Pierce Living Center, Penn State University, State College, PA  
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Good morning. I'm Susan Higginbotham, CEO of the Pennsylvania Coalition Against Domestic Violence. I appreciate the opportunity to be here today and to share my testimony on a topic that is so important to work we do at the State level and the direct-service work of our 59 domestic violence programs serving all 67 counties of the Commonwealth.

As the Nation's first domestic violence Coalition, PCADV, over its more than 40-year history, has often been at the forefront of systems change and advocacy to improve outcomes for victims and survivors of domestic violence. Understanding the intersection of firearms and domestic violence and the impact on victims and the community-at-large has been a long-standing priority.

**For more than a decade, PCADV has tracked and reported on domestic violence homicides in Pennsylvania.** We do this to memorialize those who have lost their lives, but also to create a foundation of limited data that allows us to identify and analyze trends in domestic violence deaths. We then translate these trends into training, systems advocacy, and legislative priorities.

We know, from more than a decade of domestic violence homicide tracking, that firearms are consistently the number one method of killing in these cases. In the last ten years, more than 1,600 women, children, and men were killed in Pennsylvania as a result of domestic violence. In 2018, 123\* individuals lost their lives to domestic violence homicides in Pennsylvania. Every year since 2009, at least 49% of domestic violence homicide victims were killed with a firearm. We also know that over the last decade in Pennsylvania, in 90% of intimate partner murder-suicides, the offender used a gun to commit suicide.

Unfortunately, it is unlikely that we will ever prevent every domestic violence homicide. Take for example, a Pennsylvania woman charged--and recently arraigned-- along with her teenage daughter, in the deaths of five relatives, including three children. Despite horrific outliers like this, we continue to try to prevent and reduce homicide with increased awareness and education, and improved legislation

In October of 2018, in coalition with law enforcement, sheriffs, the District Attorneys Association, and Moms Demand Action, we passed **landmark domestic violence homicide prevention legislation**. Enacted in April of this year, **Act 79**:

- Mandates relinquishment for all final PFAs adjudicated through a hearing with a judge.

- Eliminates friends and families as options for third-party safekeeping when relinquishing weapons.
- Aligns misdemeanor crimes of domestic violence with final PFAs—making the period to relinquish 24-hours rather than 60 days.
- During service of an order, for added safety, it allows for law enforcement accompaniment when a plaintiff needs to collect their personal belongings.

All parties were at the table during negotiations on this bill. It was noted that some firearms storage challenges would exist for some sheriffs and law enforcement departments. Those involved also acknowledged that implementation would be lengthy and complex, and its success would rely on coordination and training. Those challenges existed during the negotiation stages, so it is not surprising that they still exist today, six-months later, in a limited capacity. Despite minor challenges that exist in the implementation of any new law, law enforcement, sheriffs, and advocates remain committed to ensuring that Act 79 works as seamlessly as possible, as everyone agrees the changes are critical in helping to prevent domestic violence homicides.

We're six-months post-Act 79, and the question on everyone's minds is, "Is it working? Is it doing what it was intended to do—prevent domestic violence homicides?" The truth is, we don't know yet. It's important to understand that one of the most significant challenges in advocating for these changes has been and still is the lack of data. Relinquishment data for PFAs and misdemeanor crimes of domestic violence is not publicly available. We do not know whether or not there is, in fact, an uptick in the number of weapons relinquished. Nor do we know if offenders who were ordered to relinquish firearms, did not, and in turn, harmed or killed their victims. We have only anecdotes to support our position. We will publish the 2019 domestic violence fatality report in early 2020, but Act 79 will have been in place for less than a year. We hope that our 2021 Fatality Report will commence a downward trend in domestic violence fatalities that can be linked partially to the success of Act 79.

Another possible contributing factor to the decline of domestic violence homicides may be a result of our **Lethality Assessment Program, or LAP**. We remain committed to expanding the implementation of LAP in communities across the state. LAP is an important initiative that relies on coordinated community response and the active collaboration of law enforcement and their local domestic violence program. It is a screening tool utilized by law enforcement when responding to intimate partner domestic violence calls. The victim has the option to participate in the screen. The officer will warn the victim that others in their situation have been killed. This encounter with law enforcement using the tool may be the first time that the victim needs to confront how dangerous their situation may be. The screen consists of eleven questions, including "Has he/she/they ever used a weapon against you or threatened you with a weapon?" and "Does he/she/they have a gun or can get one easily?" If a victim screens as high-danger, the responding law enforcement officer will connect the victim with the hotline at the local domestic violence program so that an advocate can help them safety plan. LAP is effective in connecting high-risk victims at high-danger times with services to prevent domestic violence homicides.

PCADV piloted Maryland's Lethality Assessment Program in Pennsylvania in 12 counties with 19 police departments in 2012. Today, 365 police departments and 47 local domestic violence programs in 49 counties of the Commonwealth utilize the program to increase victim safety and prevent domestic violence homicides. In that time, law enforcement officers have screened over 24,000 victims. More than 10,000 have accessed potentially life-saving services.

In addition to homicide tracking and expanded LAP implementation, we also remain diligent in supporting expanded gun violence prevention legislation that aims to improve safety for victims and survivors, to prevent perpetrator suicides, and ultimately to protect the broader public too.

There are several legislative improvements at the Federal and State level that in concept we support. Federally, **closing what is known as the "boyfriend loophole"** in the Lautenberg Amendment, also known as the Domestic Violence Offender Gun Ban, is essential. This law prohibits convicted domestic abusers, or those subject to a federal protection order, from possessing firearms. However, the law would be more protective for more victims of domestic violence if it were expanded to include dating partners, which it currently does not. Expansion of the definition of qualifying offenses is critical in protecting victims of domestic violence who are in dating relationships.

At the State level, several legislative improvements could be made to improve victim safety. First, **expanded background checks** are essential. Currently, in Pennsylvania, background checks are not required for the private sale of long guns (rifles and shotguns with barrels longer than 16 and 18 inches, respectively). AR-15 assault-style rifles are included in this definition. Long guns can easily be used by abusers to terrorize and kill their victims. This was the case when a Philadelphia man was arrested and charged with four counts of criminal homicide in connection to the shooting deaths of his mother, 51-year-old Janet Woodson, his step-father, 56-year-old Les Holmes, and his two half-brothers, 18-year-old Sy-eed Woodson and 7-year-old Leslie Holmes. The man had purchased a shotgun, rode with it on the subway and then used the weapon to shoot each one of his family members in the head as they returned to their home Tuesday night. A bill that would expand background checks has been sitting in the House Judiciary Committee since March.

Next, **Extreme Risk Protection Orders, or Red Flag Laws**, should be thoroughly explored. A Red Flag law in Pennsylvania could add additional layers of protection for victims of domestic violence and the broader community. These laws can go a long way in addressing the issue of murder-suicides that are far too common in domestic violence homicide incidents. Extreme Risk Protection Order, or Red Flag, bills have been introduced in both chambers of the General Assembly, yet neither has seen any movement.

Lastly, the provisions of Act 79 are significant and were desperately needed. However, PCADV's goal was to achieve legislative reform that required **mandatory weapons relinquishment for ALL final protective orders**. Act 79, as passed, applies only to final PFAs that are adjudicated by a hearing in front of a judge. It does not apply to final orders arrived at by consent agreements.

Again, I want to thank the Council for the opportunity to share remarks on guns and domestic violence, which is a cornerstone of our work. Thank you.

*\*PCADV's 2018 Fatality Report indicates 122 domestic violence homicides. The number has been adjusted to 123, due to an arrest that occurred in October of 2019 for a 2018 homicide.*